IN THE CLAIMS

For the convenience of the Examiner, all pending claims of the Application are reproduced below.

1. **(Canceled)**

2. **(Canceled)**

3. **(Canceled)**

4. **(Canceled)**

5. **(Canceled)**

6. **(Canceled)**

7. **(Canceled)**

8. **(Canceled)**

9. **(Canceled)**

10. **(Canceled)**

11. **(Canceled)**

12. **(Canceled)**

13. **(Canceled)**

14. **(Canceled)**

15.   **(Canceled)**

16.   **(Canceled)**

17.   **(Canceled)**

18.   **(Canceled)**

19.   **(Canceled)**

20.   **(Canceled)**

21.   **(Previously Presented)**   The method of Claim 22, further comprising determining the base service class and the upgraded service class for the connection from a service policy associated with the connection.

22.   **(Previously Presented)**   A method for determining a service class for a connection to be established, comprising:

determining a base service class for the connection;

determining an upgraded service class for the connection;

determining whether a performance increase is available to the connection by upgrading its service class from the base service class to the upgraded service class;

estimating the performance increase available to the connection by upgrading its service class from the base service class to the upgraded service class; and

upgrading the service class if the performance increase meets an upgraded criteria.

23.   **(Original)**   The method of Claim 22, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay of at least one of the base service class and the upgraded service class.

24.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay at both of the base service class and the upgraded service class.

25.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drop of at least one of the base service class and the upgraded service class.

26.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drops at both of the base service class and the upgraded service class.

27.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a current packet queue size of each of the base and the upgraded service classes for a sector of a wireless network in which the connection is to be established.

28.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a floating window average of the packet queue size for a sector of a wireless network in which the connection is to be established.

29.   **(Original)**   The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on both measured and forecasted criteria for both of the base service class and the upgraded service class.

30.   **(Canceled)**

31.   **(Previously Presented)** The system of Claim 32, the logic further operable to determine the base service class and the upgraded service class for the connection from a service policy associated with the connection.

32.   **(Previously Presented)** A system for determining a service class for a connection to be established, comprising:

logic encoded in media;

the logic operable to determine a base service class for the connection, to determine an upgraded service class for the connection, to determine whether a performance increase is available to the connection by upgrading its service class from the base service class to the upgraded service class, to estimate the performance increase available to the connection by upgrading its service class from the base service class to the upgraded service class, and to upgrade the service class if the performance increase meets an upgraded criteria.

33.   **(Original)** The system of Claim 32, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay of at least one of the base service class and the upgraded service class.

34.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay at both of the base service class and the upgraded service class.

35.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drop of at least one of the base service class and the upgraded service class.

36.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drops at both of the base service class and the upgraded service class.

37.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a current packet queue size of each of the base and the upgraded service classes for a sector of a wireless network in which the connection is to be established.

38.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a floating window average of the packet queue size for a sector of a wireless network in which the connection is to be established.

39.   **(Original)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on both measured and forecasted criteria for both of the base service class and the upgraded service class.